

PATENT

Atty Docket No.: 10992051-1

App. Ser. No.: 09/819,167

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1, 7, 11, and 18 have been amended and Claims 10 and 21 have been canceled without prejudice or disclaimer of the subject matter contained therein. In addition, Claims 22 and 23 have been added. Therefore, Claims 1-9, 11-20, 22, and 23 are remain pending in the present application, of which Claims 1, 7, 11, and 18 are independent.

No new matter has been introduced by way of the amendments or additions; entry thereof is therefore respectfully requested.

Allowable Subject Matter

The indication that Claims 3, 5, 7-10, 14, 16, and 18-21 are objected to as being dependent upon a rejected base claim, but would otherwise be allowable is noted with appreciation. By virtue of the amendments above, independent Claim 1 has been amended to include the features of allowable Claim 10 and independent Claim 11 has been amended to include the features of allowable Claim 21. In addition, allowable Claim 7 has been amended to include all of the features of independent Claim 1 and allowable Claim 18 has been amended to include all of the features of independent Claim 11. All of the remaining claims depend from one of allowable Claims 1, 7, 11, and 18 and are thus also allowable over the cited documents of record at least by virtue of their respective dependencies.

Accordingly, it is respectfully submitted that Claims 1-9, 11-20, 22, and 23 are in condition for allowance and an early indication of allowance is respectfully requested.

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Drawings

The Official Action does not indicate whether the Drawings filed on March 27, 2001 and on May 9, 2005 have been approved. It is assumed that the Drawings have been accepted because the Office Action does not cite to any specific errors or omissions pertaining to the Drawings. Should this assumption be in error, the Examiner is respectfully requested to raise any potential objections in the next communication.

Claim Rejection under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

The Official Action sets forth a rejection of Claims 1, 2, 4, 6, 11-13, 15, and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the disclosure contained in U.S. Patent No. 5,144,566 to Anderson et al. in view of the disclosure contained in U.S. Patent No. 6,771,815 to Yang et al. This rejection is respectfully traversed because Anderson et al. in

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view of Yang et al. fail to teach or suggest the invention as set forth in amended independent Claims 1 and 11 and the claims that depend therefrom.

As discussed above, independent Claim 1 has been amended to include all of the features of allowable Claim 10. In addition, independent Claim 11 has been amended to include all of the features of allowable Claim 21. Accordingly, it is respectfully submitted that the rejections of Claims 1 and 11 are now considered moot.

The Examiner is therefore respectfully requested to withdraw the rejection of Claims 1 and 11 and to allow these claims. Claims 2, 4, 6, 12, 13, 15, and 17 are also allowable over the cited documents of record at least by virtue of their respective dependencies upon allowable independent Claims 1 and 11.

Newly Added Claims

New Claims 22 and 23 have been added to further define the invention. Claims 22 and 23 are also allowable over the cited documents of record for at least the same reasons as those presented above with respect to Claims 9 and 20, respectively. In addition, Claims 22 and 23 are allowable over the cited documents of record at least by virtue of their respective dependencies upon allowable base claims.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

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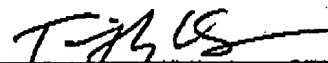
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Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 18, 2005

By



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